



General Assembly

Distr.
GENERAL

A/C.3/46/1
24 September 1991

ORIGINAL: ENGLISH

Forty-sixth session
THIRD COMMITTEE

ALLOCATION OF AGENDA ITEMS TO THE THIRD COMMITTEE

Letter dated 20 September 1991 from the President of the General
Assembly addressed to the Chairman of the Third Committee

1. I have the honour to transmit to you herewith the decisions taken by the General Assembly at the 3rd plenary meeting of its forty-sixth session pertaining to the allocation of items to the Third Committee.
2. May I also invite your attention to the recommendations on the organization of the session, contained in section II of the report of the General Committee (A/46/250), which were approved by the General Assembly also at its 3rd plenary meeting. I earnestly request your cooperation in this regard.

(Signed) Samir S. SHIHABI

Annex

ALLOCATION OF ITEMS TO THE THIRD COMMITTEE

1. Report of the Economic and Social Council [chapters I, IV (sections A, E and F), VI, VII (sections B, G and H) and IX] (item 12).

[The General Assembly decided that the chapters of the report listed below would be referred also to plenary meetings and to the Second, Fourth and Fifth Committees:

(a) Chapter I	Plenary meetings and Second, Fourth and Fifth Committees
(b) Chapter IV (section F)	Plenary meetings and Second and Fifth Committees
(c) Chapter VII (section B)	Second and Fifth Committees
(d) Chapter VII (section G)	Second Committee
(e) Chapter IX	Plenary meetings and Second Committee]

2. Elimination of racism and racial discrimination (item 92).
3. Right of peoples to self-determination (item 93).
4. Social development (item 94):
 - (a) Questions relating to the world social situation and to youth, ageing, disabled persons and the family;
 - (b) Crime prevention and criminal justice.
5. Advancement of women (item 95).

[In connection with this item, the General Assembly decided that the report of the Administrator of the United Nations Development Programme on the operations, management and budget of the United Nations Development Fund for Women would be referred to the Second Committee for consideration under item 82 (Operational activities for development).]

6. Narcotic drugs (item 96).

7. Report of the United Nations High Commissioner for Refugees, questions relating to refugees and displaced persons and humanitarian questions (item 97):

- (a) Report of the United Nations High Commissioner for Refugees;
- (b) Questions relating to refugees and displaced persons.

8. Human rights questions (item 98):

- (a) Implementation of human rights instruments;

[In connection with this sub-item, the General Assembly decided that, in the light of resolution 45/135 of 14 December 1990, a plenary meeting would be held on Monday, 16 December, to commemorate the twenty-fifth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights.]

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;
- (c) Human rights situations and reports of special rapporteurs and representatives.

With regard to item 112 (Joint Inspection Unit), the General Assembly decided that the item would be allocated to the Fifth Committee with the understanding that the reports of the Joint Inspection Unit dealing with the subject-matter assigned to other Main Committees would be referred also to those Committees. In the case of the Third Committee, the relevant report relates to agenda items 12 and 97.



General Assembly

Distr.
GENERAL

A/C.3/46/2
30 September 1991

ORIGINAL: ENGLISH

Forty-sixth session
THIRD COMMITTEE
Agenda item 92

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Note by the Coordinator of United Nations Activities under the Second Decade to Combat Racism and Racial Discrimination

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1	3
II. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL OF THE SECOND DECADE	2 - 5	3
III. CONSIDERATION BY THE COMMITTEE ON ELIMINATION OF RACIAL DISCRIMINATION OF THE SECOND DECADE	6 - 13	4
A. Joint meeting	7 - 10	4
B. World Conference	11	5
C. Third Decade to Combat Racism and Racial Discrimination	12	5
D. Model legislation against racism and racial discrimination	13	5
IV. CONSIDERATION OF MATTERS RELATING TO THE SECOND DECADE BY THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	14 - 21	6

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
V. COORDINATION ACTIVITIES OF THE SECOND DECADE	22 - 24	8
VI. SEMINARS, TRAINING COURSES AND WORKSHOPS	25 - 29	8
A. Seminar of International Human Rights Standards and Constitutional Law	26 - 27	9
B. Expert meeting to review the experiences of countries on the operational scheme of internal self-government for indigenous populations	28 - 29	10

I. INTRODUCTION

1. In the report submitted to the first regular session of the Economic and Social Council of 1991 (E/1991/39) the Secretary-General provided information on activities related to the Second Decade carried out or planned within the United Nations system and information received from Governments, intergovernmental and non-governmental organizations. The present report contains additional information concerning the period since the above-mentioned report was prepared.

II. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL OF THE SECOND DECADE

2. The Economic and Social Council, at its first regular session of 1991, considered the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and adopted resolution 1991/2 thereon. In that resolution the Council reaffirmed the importance of achieving the objectives of the Second Decade to Combat Racism and Racial Discrimination, noted with appreciation the Secretary-General's programme, requested the Secretary-General to continue with the implementation of the activities for the period 1990-1993, and further requested him to continue to accord the highest priority to measures to combat apartheid. The Secretary-General was also requested to ensure the effective and immediate implementation of the activities proposed for the first half of the Second Decade that have not yet been undertaken.

3. The Council, in that resolution, also invited all Governments to take or continue to take all necessary measures to combat all forms of racism and racial discrimination and to support the work of the Second Decade by making contributions to the Trust Fund for the Programme of the Decade for Action to Combat Racism and Racial Discrimination, in order to ensure further implementation of the activities for the Second Decade.

4. The Council welcomed the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by the General Assembly and requested the Secretary-General, in his reports, to continue to pay special attention to the situation of migrant workers and their families. It also welcomed the Assembly's proclamation of the International Year for the World's Indigenous People.

5. In that resolution the Council reaffirmed the importance of public information activities in combating racism and racial discrimination and in mobilizing public support for the objectives of the Second Decade, commended the efforts of the Coordinator for the Second Decade to Combat Racism and Racial Discrimination and reaffirmed the need for continued coordination of the full range of programmes being implemented by the United Nations system as they relate to the objectives of the Second Decade. The Council further decided to continue according the highest priority each year to the agenda item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination".

/...

III. CONSIDERATION BY THE COMMITTEE ON ELIMINATION
OF RACIAL DISCRIMINATION OF THE SECOND DECADE

6. The Committee on Elimination of Racial Discrimination continued to consider the Second Decade to Combat Racism and Racial Discrimination at its fortieth session, held at Geneva from 5 to 23 August 1991. In that connection the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities held a joint meeting, and the Committee considered matters relating to the proposed Third Decade to Combat Racism and Racial Discrimination, the World Conference on Human Rights (1993) and draft model legislation against racism and racial discrimination which had been prepared by the Secretary-General. The Committee noted that an important focus of the Second Decade was the implementation of the Convention, which had the largest number of States Parties of any United Nations human rights treaty but which was still not universal and it adopted a decision calling on the General Assembly to encourage those States which had not yet done so to become parties to the Convention.

A. Joint meeting

7. The joint meeting between the Committee on Elimination of Racial Discrimination and the Subcommission took place on 19 August 1991 for the purpose of exchanging views on the prevention of racial discrimination and discussing issues of common interest. That meeting also discussed the possibility of a joint contribution by both bodies to the World Conference on Human Rights. The possibility of such a joint meeting had been raised with the Committee and Subcommission by the Coordinator for United Nations Decade-related activities, Mr. Jan Martenson, in order to explore ways of improving the effectiveness of United Nations action against racism and racial discrimination.

8. During the discussions it was suggested that with regard to the World Conference a permanent mechanism be established for consultation between the two bodies and that joint recommendations should be drafted. Emphasis could be placed on improving the implementation of existing international standards and the strengthening of monitoring bodies.

9. The following items from the agenda of the Subcommission were identified for future consultation between the two bodies: measures to combat racism and racial discrimination and the role of the Subcommission: adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa; question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories; report of the Subcommission under Commission on Human Rights resolution 8 (XXIII); discrimination against indigenous peoples; and the protection of minorities.

10. During the discussions it was emphasized by members from both bodies that joint meetings were important steps towards more effective action by the United Nations against racial discrimination and towards better cooperation and coordination of activities of the two human rights organs, whose activities were complementary although their mandates were different. It was decided that the bureaux of the two bodies would remain in contact and make recommendations for future collaboration and each body nominate a member to follow and report to it on the activities of the other body.

B. World Conference

11. During its last two sessions the Committee gave considerable attention to the World Conference on Human Rights (1993). A number of proposals were advanced during the discussion, including the need to put a specific item on racial discrimination on the Conference's agenda and to prepare relevant studies; the possibility that the Committee might contribute a paper evaluating the racial discrimination situation at the national and international levels, and the feasibility of preparing a paper on the effectiveness of recourse procedures and mechanisms with special reference to the efforts to eliminate racism and racial discrimination. The Committee's recommendations were brought to the attention of the first session of the Preparatory Committee and are reflected in the Committee's report to the General Assembly (A/46/18).

C. Third Decade to Combat Racism and Racial Discrimination

12. The Committee also considered the question of a third decade against racial discrimination which had been proposed to the General Assembly. The Coordinator for United Nations decade-related activities had suggested that the Committee might wish to consider suggestions for inclusion in a possible programme of action for a third decade. At its fortieth session a paper on this subject was discussed and it will be revised in light of members' comments for consideration at the forty-first session.

D. Model legislation against racism and racial discrimination

13. The Secretary-General, pursuant to a General Assembly request and in connection with the Programme of Action of the Second Decade, prepared model legislation against racism and racial discrimination. The Coordinator for United Nations Decade-related activities brought the model legislation to the attention of the Committee to obtain its views in light of the Committee's experience in the area of legislation against racial discrimination. The Committee considered the model legislation at its fortieth session. It was pointed out that more time was required to examine the draft and the Committee agreed that the draft model legislation should be revised in the light of members' comments and reconsidered at its forty-first session.

IV. CONSIDERATION OF MATTERS RELATING TO THE SECOND
DECADE BY THE SUBCOMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES

14. The Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-third session from 5 August to 30 August 1991, discussed a number of matters relating to the Second Decade. In its resolution 1991/2, entitled "Measures to combat racism and racial discrimination and the role of the Subcommission" of 20 August 1991, the Subcommission recommended that the General Assembly take appropriate steps in due course to launch a Third Decade to combat racism and racial discrimination, to begin in 1993. The Subcommission emphasized the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other vulnerable groups in society; and confirmed the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level.

15. The Subcommission in that resolution recognized the important role it could play in United Nations activities against racial discrimination as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development. The Subcommission noted with appreciation the holding of a joint meeting of the Committee on Racial Discrimination and the Subcommission during the forty-third session of the Subcommission, welcomed the efforts of the Committee to fulfil its mandate; and recognized the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life. It also appealed to all Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

16. The Subcommission renewed its request to the Secretary-General to prepare for its next session an overview of current trends of racism, discrimination, intolerance and xenophobia as well as of measures taken by Governments against those phenomena and the effects of such measures, on the basis of replies received from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations.

17. Further, the Secretary-General was requested to submit to the Subcommission at its next session a report on serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world, including the measures taken by the Government concerned in response to these incidents. Finally, the Subcommission expressed its deep conviction that a Special Rapporteur of the Subcommission should be appointed to update the study on racial discrimination prepared in 1976 by Mr. Hernan Santa Cruz in the light of recent new trends of racism, racial discrimination and xenophobia in many countries of the world.

/...

18. Also at its forty-third session the Subcommission adopted a resolution on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa in which it expressed appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his report on the subject, expressed its thanks to all Government and organizations which supplied the Special Rapporteur with information and recommended a draft resolution to the Commission on Human Rights concerning the continuation of that work.

19. The Subcommission also adopted resolutions concerning the economic and social relations between indigenous peoples and States, ownership and control of the cultural property of indigenous peoples, and the International Year for the World's Indigenous People. In this latter resolution (1991/33 of 29 August 1991) the Subcommission expressing its appreciation to Mr. Asbjorn Eide and Ms. Christy Mbonu for the useful contributions contained in their second working paper on the International Year for the World's Indigenous People recommended that the General Assembly designate a coordinator for that International Year, and that the official United Nations opening ceremonies for the International Year should be held in New York on or about 12 October 1992. The Subcommission further encouraged all operational bodies and specialized agencies of the United Nations to organize technical meetings in 1992 with representatives of indigenous peoples, with the aim of identifying specific projects which can be assisted effectively by the United Nations and executed as far as possible by indigenous peoples themselves.

20. The Subcommission in that resolution also appealed to Governments to contribute generously to the Voluntary Fund especially established for the International Year by the General Assembly in particular for the purpose of convening the eleventh session of the Working Group on Indigenous Populations in 1993 in Latin America and the twelfth session of the Working Group in 1994 in Asia. The Subcommission also requested the Secretary-General to give preference to indigenous peoples in obtaining services and employing artists, consultants and other professionals in connection with the International Year and to take that resolution into account in preparing the draft programme of activities for the International Year.

21. The Subcommission at its forty-third session also adopted resolution 1991/22 on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. In that resolution the Subcommission expressed appreciation to the Special Rapporteur on this subject and requested him to update his report taking into account the comments and views of members of the Subcommission and the information submitted by Governments, specialized agencies and intergovernmental and non-governmental organizations.

V. COORDINATION ACTIVITIES OF THE SECOND DECADE

22. The General Assembly and other policy-making bodies gave considerable importance to the effective coordination of United Nations activities under the Second Decade as a means of strengthening the effectiveness of activities against discrimination. In this regard, the Coordinator for United Nations activities under the Second Decade convened the First Inter-Agency Consultation on the Second Decade to Combat Racism and Racial Discrimination in May 1990 and, following the recommendations of that meeting, convened the Second Inter-Agency meeting in Geneva on 19 April 1991.

23. In convening that meeting the Coordinator suggested that the work of each agency should be reviewed in the light of four general headings: (a) review of specific activities to combat racial discrimination and, in particular, apartheid in the period 1991-1993; (b) suggestions of unexplored areas where activities or programmes could be initiated; (c) suggestions for activities which could be carried out jointly in cooperation with the various bodies or Secretariat units; and (d) suggestions for improving coordination and cooperation in the future. Two specific aspects were suggested for close attention: the new and emerging forms of racism, such as against migrant workers, minorities, non-citizens, indigenous peoples, religious groups and each organization's or unit's response; and information and educational activities especially focused on the promotion of tolerance and racial harmony.

24. Subsequent to the Second Inter-Agency meeting, the Coordinator wrote to all agencies and appropriate Secretariat units regarding the programme of the Second Decade, the proposed Third Decade and the World Conference on Human Rights. With regard to a number of meetings or seminars selected for 1991, the Coordinator requested that each agency should consider whether it could co-sponsor one of those meetings or a seminar. With regard to the proposed Third Decade the Coordinator invited them to begin a common reflection on what the programme of action for the Third Decade could contain: for example, it could focus attention on the national level and attempt to develop indicators or criteria which could be used to measure progress. Finally, regarding the World Conference on Human Rights, scheduled to review progress made and to set out the future path in the promotion and protection of human rights in 1993, the fight against discrimination will be an important part of the Conference's work and invited each agency and office to make its contribution to the preparations for the Conference and for the Conference itself.

VI. SEMINARS, TRAINING COURSES AND WORKSHOPS

25. The Coordinator, in his capacity as Under-Secretary-General for Human Rights, continues to include issues relating to the elimination of racial discrimination in the programme of the various training courses, workshops and seminars organized by the Centre for Human Rights. For example, the importance of equality and the elimination of racial discrimination in two national training courses, one in Brasilia and one in Caracas in June 1991,

during the African Seminar on International Human Rights Standards and the Administration of Justice (Cairo, June 1991) and in the National Workshop on the Implementation of International Human Rights Instruments and Reporting Obligations, held in Moscow from 26 to 30 August 1991.

A. Seminar of International Human Rights
Standards and Constitutional Law

26. The Centre for Human Rights and the World Council of Churches organized in Geneva in June 1991 a seminar on International Human Rights Standards and Constitutional Law for 33 persons from South Africa who were concerned with the development of a new constitutional structure in South Africa. This seminar was organized in consultation with the Centre Against Apartheid. The participants came from a broad spectrum of South African society and outstanding international experts were invited to present papers and lead the discussions on international human rights norms and how they can be included in constitution law.

27. The Seminar opened with statements by Mr. Jan Martenson, Under-Secretary-General for Human Rights, and by Mr. Emilio Castro, Secretary-General of the World Council of Churches. Mr. Kéba M'Baye, former Judge of the International Court of Justice and former Chairman of the Commission on Human Rights, gave an inaugural lecture on "International Human Rights Standards and Constitutional Law with Special Reference to the Independence of the Judiciary". The following lectures were also given:

- (a) "Constitutional protection of internationally guaranteed economic, social and cultural rights", by Mr. Cornelis Flinterman, Professor of Law, University of Limburg, and alternate member of the Subcommission on Prevention of Discrimination and Protection of Minorities;
- (b) "National institutions for the protection and promotion of human rights: the Ombudsman", by Mr. Arne Fliflet, Parliamentary Ombudsman of Norway;
- (c) "Constitutional protection of internationally guaranteed civil and political rights", by Mr. Marc Bossuyt, Professor of International Law, University of Antwerp, former Chairman of the Commission on Human Rights;
- (d) "Constitutional guarantees for human rights including judicial remedies", by Mr. Christian Tomuschat, Member of the International Law Commission, former member of the Human Rights Committee;
- (e) "Constitutional law, equality, non-discrimination and the elimination of all forms of racial discrimination", by Mr. Isi Foighel, member of the Committee on the Elimination of Racial Discrimination;

/...

- (f) "Constitutional protection of the rights guaranteed by the International Labour Code", by Mr. Neville Rubin, Senior Officer, Equality of Rights Branch, International Labour Office;
- (g) "Constitutional protection of the rights of the minorities", by Mr. Asbjorn Eide, member of the Subcommission on Prevention of Discrimination and Protection of Minorities;
- (h) "Constitutional guarantees for the independence of the judiciary in common-law countries", by Ms. Dinah Shelton, Visiting Professor of Law, Stanford University, Professor of Law, Santa Clara University;
- (i) "Constitutional protection of the human rights promoted by UNESCO", by Mr. Janusz Symonides, Director, Division of Human Rights and Peace, UNESCO.

Ample time was allowed for discussions on each lecture and at the end of the Seminar, a general discussion on international human rights standards and constitutional law took place. The participants expressed deep appreciation for the Seminar and often referred to the fact that it was the first discussion of constitutional issues held between people from South Africa consisting of such a broad range of different groups.

B. Expert meeting to review the experiences of countries on the operational scheme of internal self-government for indigenous populations

28. The plan of activities for the Second Decade, adopted by General Assembly resolution 42/47, provides for a meeting of experts to review national experiences in the operational scheme of local, internal self-government for indigenous populations. That meeting will take place at Nuuk, Greenland, from 24 to 28 September 1991 on the invitation of the Home Rule Government of Greenland and the Government of Denmark. Participants have been invited from Australia, Brazil, Canada, Chile, Gambia, India, Namibia, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Tanzania, the Union of Soviet Socialist Republics and the United States of America. Participants were also invited from Denmark and Greenland. In addition, 12 indigenous peoples' organizations have been invited, as well as specialized agencies and relevant intergovernmental organizations. A representative of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and four resource persons will take part.

29. The agenda for the meeting, which was recommended by the Working Group on Indigenous Populations and the Subcommission on Prevention of Discrimination and Protection of Minorities, is as follows:

"Scope and effective exercise of internal autonomy and self-government:

/...

(a) Fields where autonomy would be effective as a means of strengthening the enjoyment of all human rights;

(b) Means of ensuring popular participation and respect for human rights by autonomous indigenous institutions.

"Fiscal and administrative relations between indigenous Governments and States:

(a) Models of apportioning responsibility, providing for ongoing consultations and resolving disputes;

(b) Alternative resources-sharing arrangements, and cooperation in the planning and management of development.

"Effective means of planning for, and implementing autonomy, including negotiated constitutional arrangements and involving both territorial and personal autonomy.

"Recommendations for standards setting."
